

REMARKS/ARGUMENTS

Claims 1-20 are pending in this application. Claims 2, 5, 7, 11, 14, 18 and 20 have been currently amended. Support for the amendment may be found throughout the specification and drawings.

Specification

Per the Patent Office's instruction, Applicant has amended the paragraphs [0001] and [0041] of the Patent Application to supply the relevant PTO serial numbers on Pages 3 and 4 of this paper, respectively. Applicant has also corrected formal matters in these two paragraphs.

Claim Rejections – 35 USC § 102(e)

Claims 1, 4, 6, 8-10, and 15-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hemmi et al. (U.S. Patent Number 6,470,482, hereinafter "Hemmi"). Applicant respectfully traverses these rejections.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). Further, "anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." (emphasis added) *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)).

Independent Claims 1, 8, and 15 each recite an element of "platform architecture." When rejecting Claims 1, 8, and 15, the Patent Office apparently has relied on col. 4, ll. 8-46 of Hemmi for teaching the element of "platform architecture" (see page 3, ll. 3-9; page 3, line 20 to page 4, line 2; and page 4, ll. 11-15 of Office Action). However, nowhere in col. 4, ll. 8-46 of Hemmi was a "platform architecture" (for an integrated circuit) taught, disclosed, or suggested. Indeed, Applicant has performed diligent search of the whole Hemmi patent and was not able to find the element of "platform architecture" in Hemmi.

Because Hemmi fails to teach, disclose or suggest the "platform architecture" recited in Claims 1, 8, and 15, the rejections should be withdrawn and Claims 1, 8 and

15 should be allowed.

Claims 4 and 6, Claims 9-10, and Claims 16-17 depend from Claims 1, 8, and 15, respectively, and are therefore allowable due to their dependence.

Claim Rejections – 35 USC § 102(b)

Claims 8, 13, 15, and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by the Xin Yao paper entitled “Following the Path of Evolvable Hardware” (hereinafter “Yao”). Applicant respectfully traverses these rejections.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). Further, “anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” (emphasis added) *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)).

Independent Claims 8 and 15 each recite an element of “platform architecture.” When rejecting Claims 8 and 15, the Patent Office apparently has relied on FIG. 1 of Yao for teaching the element of “platform architecture” (see page 5 of Office Action). FIG. 1 of Yao discloses major steps in an evolutionary cycle of evolvable hardware such as FPGAs. However, FPGAs are not platform architecture. Because FIG. 1 of Yao fails to teach, disclose or suggest the “platform architecture” recited in Claims 8 and 15, the rejections should be withdrawn and Claims 8 and 15 should be allowed.

Claims 13 and 20 depend from Claims 8 and 15, respectively, and are therefore allowable due to their dependence.

Allowable Subject Matter

The Patent Office has indicated that original Claims 2-3, 5, 7, 11-12, 14, and 18-19 “would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims” (Office Action, Pages 5). Applicant has rewritten these claims in accordance with the Patent Office’s instruction and has also corrected formal matters. Thus, Claims 2-3, 5, 7, 11-12, 14,

and 18-19 should be allowed.

In addition, Applicant has amended Claim 20 to include a limitation of "a coevolutionary relationship between the platform architecture and the support methodology." Because of the structural similarity between Claim 20 and Claim 14, Claim 20, like Claim 14, should also be allowed.

Applicant understood that the reasons for the indication of allowable subject matter given by the Patent Office at Page 6 of Office Action were made in accordance with the following instruction per MPEP § 1302.14:

"The statement is not intended to necessarily state all the reasons for allowance or all the details why claims are allowed and should not be written to specifically or impliedly state that all the reasons for allowance are set forth."

CONCLUSION

In light of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in the case.

Respectfully submitted on behalf of
LSI Logic Corporation,

Dated: October 30, 2003

By: _____

Peng Zhu

Reg. No. 48,063

SUITER • WEST PC LLO
14301 FNB Parkway, Suite 220
Omaha, NE 68154
(402) 496-0300 telephone
(402) 496-0333 facsimile